

Notice of Allowability**Application No.**

09/868,069

Applicant(s)

KOLLER ET AL.

Examiner

Art Unit

Maribel Medina

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to papers filed on 2/27/04 and 4/28/04.
2. The allowed claim(s) is/are 3-20,23-33 and 36-47.
3. The drawings filed on 28 January 2002 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.
(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____.
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

Notice of Allowability

Terminal Disclaimer

1. The terminal disclaimer filed on 4/28/2004 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of US Patent no. 6,209,547 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance: Claims 3-20, 23-33 and 36-47 are allowable upon consideration of the Terminal Disclaimer filed on 4/28/04, the amendment to the claims filed on 2/27/04 and reconsideration of the prior art.

The prior art fails to disclose or suggest:

A filter and method of manufacturing therein, the filter comprising, a reagent consisting essentially of at least one reactive functional group covalently bonded to a non-volatile inorganic substrate wherein the functional group is an aminopropylsilyl group as a functional group (claims 3, 5-9, and 23-31).

A filter and method of manufacturing therein, the filter comprising, a reagent consisting essentially of at least one reactive functional group covalently bonded to a non-volatile inorganic substrate wherein the substrate comprises filter fibers and the reagent is covalently bonded to the filter fibers (claims 4 and 27).

A filter and method of manufacturing therein, the filter comprising, an amino-modified silica gel having at least one functional group covalently bonded thereto wherein the functional group is an aminopropylsilyl group or an aminopropylsilyl group further substituted on nitrogen by one or more aminoalkyl or poly (aminoalkyl) functional groups (claims 10-20 and 32-33).

The prior art fails to disclose or suggest the method of removing a gaseous component from a gas mixture comprising passing the gas mixture in contact with any of the above-described filters (claims 36-47).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maribel Medina whose telephone number is (571) 272-1355. The examiner can normally be reached on Monday through Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on (571) 272-1358. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Maribel Medina 
Examiner
Art Unit 1754


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